

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA

OCTAVIUS DEMONNE COUNTS, SR.,

Plaintiff,

vs.

SPAR MARKETING FORCE, INC.,

Defendant.

8:21CV338

ORDER

Plaintiff has moved to file an amended complaint. (Filing No. 49). His proposed amended complaint continues to allege the defendants are liable to Plaintiff for failing to report or investigate his accident. The court has already ruled that Plaintiff cannot allege a plausible claim to recover for Defendants' alleged failure to report or investigate his accident.

Accordingly,

IT IS ORDERED:

- 1) Plaintiff's motion to file his proposed amended complaint [49] is denied.
- 2) Plaintiff is given until September 9, 2022 to file a motion to amend his complaint. The proposed amended complaint attached to his motion must correctly name "Spar Marketing Force, Inc." as a defendant, add the appropriate Walmart in the caption, and remove any claims against either defendant for failing to report or investigate his accident. See Filing No. 48.
- 3) Plaintiff's failure to either timely move to amend or to correct his proposed amended complaint in accordance with this court's rulings may result in dismissal of Plaintiff's claims, with prejudice, without further notice.

Dated this 25th day of August, 2022.

BY THE COURT:
s/ Cheryl R. Zwart
United States Magistrate Judge